

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

TEXAS A&M QUEER EMPOWERMENT
COUNCIL,

Plaintiffs,

v.

WILLIAM “BILL” MAHOMES, ROBERT L.
ALBRITTON, DAVID C. BAGGETT, JOHN
W. BELLINGER, JAMES R. “RANDY”
BROOKS, JAY GRAHAM, MICHAEL A.
“MIKE” HERNANDEZ III, MICHAEL J.
PLANK, SAM TORN, and CAGE SAWYERS
in their official capacities as members of the
Board of Regents of the Texas A&M University
System;

JOHN SHARP, in his official capacity as
Chancellor of the Texas A&M University
System, and

MARK A. WELSH III, in his official capacity
as President of Texas A&M University,
Defendants.

Defendants.

CASE NO. 4:25-cv-992

UNOPPOSED MOTION TO STAY

Defendants WILLIAM MAHOMES, ROBERT L. ALBRITTON, DAVID C. BAGGETT, JOHN W. BELLINGER, JAMES R. BROOKS, JAY GRAHAM, MICHAEL A. HERNANDEZ III, MICHAEL J. PLANK, SAM TORN, AND CAGE SAWYERS, in their official capacities as members for the Board of Regents of Texas A&M University System; JOHN SHARP, in his official capacity as Chancellor of Texas A&M University, and MARK A. WELSH III, in his official capacity as President of Texas A&M University, respectfully move to stay proceeding in this case pending decisions in *Spectrum WT v.*

Wendler, No. 23-10994 (5th Cir.) or *Woodlands Pride, Inc. v. Paxton*, No. 23-20480 (5th Cir.), which may govern the outcome of this case. Plaintiff does not oppose this motion.

BACKGROUND

On February 28, 2025, the Texas A&M University Board System Board of Regents issued a resolution prohibiting the event venues across the University System from hosting drag shows. Plaintiff Texas A&M Queer Empowerment Council sought an injunction allowing their drag show, planned for March 27, 2025, to proceed as scheduled. The district court preliminarily enjoined the resolution on March 24, 2025.

On March 28, 2025, Defendants filed an opposed motion to stay the preliminary injunction in this case pending Defendants' appeal to the Fifth Circuit. ECF 27.

On April 24, 2025, Defendants filed an opposed motion to stay all proceedings in this case until 30 days following a decision in either *Spectrum WT* or *Woodlands Pride*. ECF 35.

On April 28, 2025, the Court issued an Order for briefing of the two pending motions to stay and set an initial conference on May 29, 2025, at 2:00 p.m. on Zoom.

On May 21, 2025, Defendants filed an unopposed motion at the Fifth Circuit to hold the appeal in this case in abeyance pending the outcome of *Spectrum WT* and *Woodlands Pride*. Case 25-20108, ECF 20.

ARGUMENT AND AUTHORITIES

Spectrum WT and *Woodlands Pride* both present the question of whether a drag show is expressive conduct and currently are pending before the Fifth Circuit. *Spectrum WT* also involves the question whether campus event venues are limited public forums. The Fifth Circuit heard oral argument in *Spectrum WT* on April 29, 2024, and *Woodlands Pride* on October 9, 2024. The Fifth Circuit has not yet issued a decision in either matter.

Based on the foregoing, the parties have conferred and agree to the following:

(a) Defendants agree to withdraw the motion to stay the preliminary injunction (ECF 27),
and

(b) Plaintiff agrees to Defendants' motion to stay further proceedings in this case until the

panel in either *Spectrum WT* or *Woodlands Pride* issues a decision (ECF 35).

CONCLUSION

Based on the sound rationale of preservation of judicial resources, Defendants request that the Court stay all proceedings in this case until 30 days following the outcome in either *Spectrum WT* or *Woodlands Pride*, at which time parties will submit a joint status report detailing the effect of such a decision and proposed next steps in this litigation. All parties consent to the relief sought herein.

Dated May 27, 2025.

Respectfully submitted.

KEN PAXTON
Attorney General

/s/ Wade Johnson
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COUNSEL FOR DEFENDANTS

CERTIFICATE OF CONFERENCE

I certify that on May 23, 2025, I conferred with JT Morris, Counsel for Plaintiff regarding this motion. Plaintiff is unopposed to the requested stay.

/s/Wade Johnson
WADE JOHNSON

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) on May 27, 2025 and that all counsel of record were served by CM/ECF.

/s/Wade Johnson
WADE JOHNSON